

THIRD REVISED MEMORANDUM REGARDING
ALEXANDRIA CIRCUIT COURT ORDERED
COVID-19 TEMPORARY PROCEDURES

Effective April 27, 2020, in recognition of the COVID-19 pandemic, and consistent with the Supreme Court of Virginia’s April 22, 2020, *Third Order Extending Declaration of Judicial Emergency in Response to COVID-19 Emergency* allowing the implementation of local policies, as needed, to remain operational, and to provide essential services while balancing the health and safety needs of visitors to the Court and personnel, and taking into consideration Governor Ralph Northam’s Executive Order Number 55 issued on March 30, 2020,¹ the Alexandria Circuit Court’s COVID-19 temporary procedures shall remain in effect and **be extended through June 12, 2020**, as follows:

A. Previous Court Orders Regarding Temporary Procedures

On March 16, 2020, the Court issued a *Memorandum Regarding Alexandria Circuit Court Ordered COVID-19 Temporary Procedures*. On March 30, 2020, the Court issued a *Revised Memorandum Regarding Alexandria Circuit Court Ordered COVID-19 Temporary Procedures*, and, on April 14, 2020, the Court issued a *Memorandum Regarding Alexandria Circuit Court Ordered COVID-19 Temporary Procedures For Infant & Wrongful Death Settlements And for Deciding Non-Evidentiary Motions Without Oral Argument*. These previous Orders are hereby incorporated into this *Third Revised Memorandum Regarding Alexandria Circuit Court Ordered COVID-19 Temporary Procedures*, subject to the specific provisions of the temporary procedures set forth below.

B. Civil Cases

1. Hearings, Motions and Trials - With the exception of those matters designated as “emergency matters” in Paragraph 1 of the Virginia Supreme Court’s March 16, 2020 Order and Paragraph 4 of the Virginia Supreme Court’s March 27, 2020 Order, no civil hearings, motions or trials shall be scheduled for the period April 27, 2020 through June 12, 2020.

These cases will be set for status conference on **July 13, 2020 at 9:00 a.m.**, unless the parties agree to appear telephonically by calling Judges’ Chambers at 703-746-4123 and setting a new trial date.

2. Motions Day Dockets - All Motions Day dockets (2nd and 4th Wednesdays of the month) are suspended through **June 12, 2020**, except emergency matters set by contacting Judges’ Chambers.

¹ This Executive Order Number 55 requires “[a]ll individuals in Virginia [to] remain at their place of residence,” except under specified circumstances. This Order “shall remain in full force and in effect until June 10, 2020, unless amended or rescinded by further executive order.”

3. Non-Evidentiary Motions with Waiver of Oral Argument – During these temporary COVID-19 procedures, motions and proposed orders from the moving party, the Responses and proposed orders from the non-moving party and the Waiver of Oral Argument signed by both parties, in addition to being filed with the Clerk of Court, may be emailed to Judges’ Chambers at:
CircuitCourtChambers@alexandriava.gov
4. Civil Status Conference/Selection of Trial Date Dockets - The May 11, 2020 and June 8, 2020 civil status conference/selection of trial date dockets are continued to July 13, 2020 at 9:00 a.m. and August 10, 2020 at 9:00 a.m., respectively.
5. Civil Appeals - All civil appeals noted from the JDR Court & GDC between March 16, 2020 and mid-June 2020 shall be scheduled by the Clerks of the JDR Court and the GDC for the July 13, 2020 Circuit Court Status Hearing/Selection of a Trial Date at 9:00 a.m. However, the parties may contact Judges’ Chambers if they wish to select a trial date by telephone.
6. Uncontested Guardianships/Conservatorships and Infant & Wrongful Death Settlements - Orders of appointment and settlement orders may be entered on the papers. All documents, including proposed final order and GAL report, must be filed with the Clerk of the Circuit Court and counsel for Petitioner shall notify Judges’ Chambers at 703-746-4123 after all the documents have been filed.

Any orders providing for funds to be deposited with the General Receiver shall comply with Va. Code § 8.01-600(B) and “shall include information necessary to make prudent investment and disbursement decisions”. The orders shall include, except when it is unreasonable, the proposed dates of periodic and final disbursements. Prior to the entry of the order, the beneficiary or his representative shall file an affidavit with the court providing the beneficiary's name, date of birth, address, and social security number. The affidavit shall be maintained under seal by the clerk unless otherwise ordered by the court, and the information therein shall be used solely for the purposes of financial management and reporting.”

7. Divorce Cases by Affidavit – Parties may use a sworn Declaration Under Penalty of Perjury (*see* Va. Code § 8.01-4.3) to satisfy the requirements of a sworn statement under Va. Code § 20-99.1:1 (acceptance and waiver of service of process) and Va. Code § 20-106 (divorce by affidavit).

C. Criminal Cases

1. Criminal Trials - All criminal bench and jury trials are suspended through June 12, 2020. Parties who have a jury trial scheduled between April 27, 2020 and June 12, 2020, should contact Judges’ Chambers to reschedule the trial.

In cases where counsel believes that the speedy trial rights of an incarcerated defendant are implicated, it shall be incumbent on counsel to bring the issue to the

attention of the Commonwealth and the Court in advance of the existing trial date to allow the Court to make an appropriate decision.

2. Certain Criminal Proceedings Other than Trials - Where agreed to in advance by a judge, for (1) felony pleas involving a defendant presently incarcerated at the Alexandria Adult Detention Center, (2) felony sentencings and probation violations involving defendants presently incarcerated at the Alexandria Adult Detention Center, and (3) contested non-evidentiary criminal motions in felony cases, the following procedures shall apply:
 - a. **In cases where the defendant is incarcerated** at the Alexandria Detention Center and, *if all parties and witnesses agree to do so*, the attorney for the Commonwealth, defense counsel and the court reporter shall appear in person or by telephone in Courtroom #4, and the defendant shall appear via the Polycom audio/video conferencing system. The judge will be in the courtroom along with a deputy Court Clerk and a deputy Sheriff.
 - b. **In cases where the defendant is not incarcerated**, all such proceedings will be conducted remotely, through Microsoft Teams, but only if all parties and witnesses agree to do so.
 - c. If an interpreter is required, the interpreter will appear either remotely or in the courtroom with a telephone accessible to the defendant. The decision whether to appear remotely, or in the courtroom, will be up to the interpreter.
 - d. Victim services and victims may attend proceedings remotely.
 - e. Court reporters may attend proceedings either remotely or in person and whether to appear remotely, or in the courtroom, will be up to the court reporter.
 - f. For sentencings and revocation hearings, the probation officer will appear remotely.
 - g. All persons who are present in the courtroom will practice social distancing in accordance with CDC.gov and Virginia Department of Health recommendations. See <http://www.vdh.virginia.gov/coronavirus/what-is-social-distancing-and-how-can-i-do-my-part-to-slow-the-spread-of-covid-19/>.
 - h. Felony pleas, sentencings, probation violations, and felony motions as set forth above, may be scheduled by contacting Judges' Chambers at 703-746-4123 at least one week before the scheduled hearing and by providing: (1) the defendant's name; (2) the case number; (3) whether the defendant is incarcerated and where; (4) the trial date, if one has been set; (5) the proceeding about which you are seeking to schedule (*e.g.*, setting up a plea or criminal motion); (6) the name, phone number and email address for all counsel; (7) the names, email addresses and contact information of any witnesses or other individuals who will be

attending or participating in the hearing; and (8) whether all participants consent to the hearing being conducted remotely.

- i. All proceedings will take place on a Thursday, Commonwealth Day Docket, unless the Court determines otherwise.
 - j. At least 24 hours before a felony plea is scheduled to take place, counsel must provide Judges' Chambers with an executed copy of the plea form (signed by the Commonwealth, defense counsel and the defendant).
 - k. With respect to felony sentencings which require a Probation Sentence Report ("PSI"), the Court will only conduct such felony sentencings in which the PSI has been completed or will be completed in time for defense counsel to review the PSI with the defendant. Counsel for the Commonwealth and the Defendant should notify Judges' Chambers if any witnesses will be testifying at sentencing and provide an email address for the witness, which shall be placed under seal, so that the witness can be invited to attend the sentencing proceeding on Microsoft Teams. There will be only remote witness testimony by agreement of the parties and the witness.
 - l. All pleadings and other submissions, such as sentencing memoranda and supporting documents, must be filed as usual, with a courtesy copy sent by email to Judges' Chambers at CircuitCourtChambers@alexandriava.gov. No memoranda, certificates, or exhibits will be accepted in Court on the day of the hearing as all parties will be appearing remotely.
8. Bond Motions and Bond Appeals - Bond motions and bond appeals shall continue to be held via video conferencing and scheduled through Judges' Chambers.
 9. Set-Date and Monthly Reviews – Those cases scheduled for April, May and mid-June 2020, including reviews of restitution, UGB, local probation, and § 18.2-251 and § 18.2-57.3-dispositions, *and cases previously continued to June 4*, to the extent possible, should be continued to **June 18, 2020**, or a later Commonwealth Day Docket, and handled by agreed order in advance of court. A single agreed order may be used for multiple cases all set on the same day (*i.e.*, Commonwealth Day set-dates can be reduced to one order in which each case is identified by case number and a copy of the order is scanned into each case file).
 10. Criminal Appeals - All criminal appeals noted from the JDR Court & the GDC between April 27, 2020 and mid-June 2020, shall be scheduled by the Clerks of the JDR Court and the GDC for a jury-election/set-date in Circuit Court on **June 18, 2020** at 10:00 a.m.

11. Non-Evidentiary Motions with Waiver of Oral Argument – During these temporary Covid-19 procedures, motions and proposed orders from the moving party, the Responses and proposed orders from the non-moving party and the Waiver of Oral Argument signed by both parties, in addition to being filed with the Clerk of Court, may be emailed to Judges' Chambers at:
CircuitCourtChambers@alexandriava.gov
12. The Commonwealth's Attorney Office and the Public Defender's Office should continue to contact Judges' Chambers by email in the same manner as they did prior to the Covid-19 temporary procedures.